

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

<b>MARCUS TYRONE WILLIAMSON,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	<b>1:05CV00437</b>
<b>v.</b>	)	<b>1:00CR288-1</b>
	)	
<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Respondent.</b>	)	

**O-R-D-E-R**

The Recommendation of the United States Magistrate Judge was filed with the court in accordance with 28 U.S.C. § 636(b) and, on May 23, 2005, was served on the parties in this action. Petitioner objected to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's recommendation.

**IT IS THEREFORE ORDERED** that Petitioner's "motion for appropriate relief" pursuant to 18 U.S.C. §§ 3582(b) and (c) [Pleading No. 1] be **DENIED**, that Petitioner's motion be construed as a motion to vacate, set aside or correct sentence, and that the motion to vacate be dismissed without prejudice for failure to obtain certification for this § 2255 application by filing a Motion for Authorization in the court of appeals as required by 28 U.S.C. §§ 2255 and 2244

and Fourth Circuit Local Rule 22(d). A judgment dismissing this action will be entered contemporaneously with this Order.

This the day of September 21, 2005

/s/ N. Carlton Tilley, Jr.  
United States District Judge